

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE MANUEL DISLA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 20-CV-6663 (KMK)

ORDER ADOPTING REPORT &  
RECOMMENDATION

KENNETH M. KARAS, District Judge:

Jose Manuel Disla (“Plaintiff”) brings this Action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner of Social Security (the “Commissioner” or “Defendant”), which denied her application for disability insurance benefits and/or supplemental security income benefits. (Dkt. No. 1.) Plaintiff and the Commissioner cross-move for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Dkt. Nos. 22, 24.)

The case was referred to the Honorable Judith C. McCarthy (“Judge McCarthy”). On February 4, 2022, Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that the Court grant Plaintiff’s Motion and deny the Commissioner’s Cross Motion. (Dkt. No. 27.) The parties did not file any objections to the R&R.<sup>1</sup>

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Bickram v. Comm’r of Soc. Sec.*, No. 18-CV-1160, 2021 WL 2665876, at

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<sup>1</sup> Judge McCarthy provided notice that, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to the R&R were due within fourteen days after being served with a copy. (R&R 35–36.)

\*1 (S.D.N.Y. June 29, 2021); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010). The Court has reviewed the R&R and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby:

ORDERED that the Report and Recommendation, dated February 4, 2022, is ADOPTED in its entirety.

ORDERED that the Plaintiff's Motion for Judgment on the Pleadings is granted.

ORDERED that the Defendant's Cross-Motion for Judgment on the Pleadings is denied.

ORDERED that judgment be entered in favor of Plaintiff, and that this matter be remanded to the Commissioner for further administrative proceedings.

The Clerk of Court is respectfully requested to terminate the pending Motions, (Dkt. Nos. 22, 24), mail a copy of this Order to Plaintiff at the address on the docket, and close this case.

SO ORDERED.

DATED: March 30, 2022  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line drawn underneath it.

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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE